

UNITED STATES OF AMERICA
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

JORDAN BLAIR,)
)
Plaintiff,)
)
vs.) No. 1:02-CV-88 CAS
)
BOB WILLS, et al.,)
)
Defendant.)

TRANSCRIPT OF MOTION HEARING
BEFORE THE HONORABLE CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

September 23, 2003

APPEARANCES TELEPHONICALLY:

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Proceedings recorded by mechanical stenography, produced by
computer-aided transcription.

1 (The following proceedings were held in chambers via
2 telephone on September 23, 2003 at 11:40 a.m.):)

3 THE COURT: And who else do I have besides --

4 MR. STILLEY: Oscar Stilley here.

5 THE COURT: How you doing?

6 MR. STILLEY: Fine, Judge.

7 THE COURT: Okay.

8 MR. BRIGGS: Judge, John Briggs from Brown & James.

9 THE COURT: B-r-i-g-g-s?

10 MR. BRIGGS: B-r-i-g-g-s.

11 THE COURT: Listen, let me say this, I have my court
12 reporter here. I've got you all on speaker phone as well as
13 my law clerk Ebony Woods. So Sue Moran is the court reporter
14 and Ebony Woods is here because I wanted to make a record of
15 this. Since you all weren't here, we need to make a record
16 on these various issues that are involved here.

17 What about -- tell me this. First of all, what
18 about this ADR, the deadline for that was you all were
19 supposed to submit something by the 22nd, which was
20 yesterday, has that been done? Has something happened on
21 that?

22 MR. STILLEY: It has. Judge, we just solidified an
23 agreement on who we were going to use and what we were going
24 to do as of today. I called over to the clerk today.

25 THE COURT: You know, to help out Sue, you're going

1 to have to say who you are.

2 MR. STILLEY: Okay, this is Oscar Stilley, attorney
3 for Jordan Blair. What I was saying, we have solidified
4 arrangements for mediation. And I'll be -- I'm planning to
5 overnight the form to the clerk, the completed form today.

6 THE COURT: Okay. Very well. That's good. Now,
7 why don't we go ahead and take a look at these various
8 discovery problems we've got here. I think the first thing
9 is about some depositions. What's the situation here? I
10 think there's a request to compel defendants to be deposed.
11 What's that situation?

12 MR. STILLEY: Your Honor, this is Oscar Stilley
13 here. I have been trying for many months to get depositions
14 set up. I haven't been able to do that. They tell me now at
15 this point in time they are going to allow me to do the
16 depositions on the 6th and 7th of October and then again on
17 the 16th and 17th, the 17th being the deadline for completion
18 of discovery.

19 THE COURT: Well, I've got a date -- I guess maybe
20 for that, I don't know. But I've got a deadline date of
21 October 22nd.

22 MR. STILLEY: Oh, I bet you're right. I bet you're
23 right. I was just recalling from memory there.

24 THE COURT: Okay. Well, so you say that's resolved,
25 so I guess that's moot.

1 MR. STILLEY: Well, actually it's not. What I'd
2 like to do is to get the Court to order these depositions to
3 take place and put some threat of sanctions to make sure the
4 defendants follow through on that to do the depositions.

5 THE COURT: Well, you know, you seem to be
6 suggesting that these gentlemen are going to act in bad
7 faith. All the lawyers are officers of the court.

8 MR. STILLEY: That's true.

9 THE COURT: They've been deputized, you know what I
10 mean, just like you've been deputized since you came up here.
11 And if you act bad, I have to do something bad to you. You
12 see what I'm saying?

13 MR. STILLEY: I do. I certainly understand that.

14 THE COURT: And my philosophy is like the great
15 California philosopher, Rodney King, who said, "Can't we all
16 just get along, please?" You know, I'm trying to live in
17 peace up here, and the people come up here with disturbances,
18 I have to do something bad to them so they will leave me
19 alone. We need to get along.

20 If they are giving you deposition dates, what
21 indication do you have that they are not going to honor them?

22 MR. STILLEY: Judge Shaw, the only reason that I
23 would question that is the fact that I have been trying for
24 so many months, and I even came up and supplied the plaintiff
25 and another witness for deposition, and not one single person

1 showed up despite the fact I this noticed them up for
2 deposition at that time. I'm just like you, I like to get
3 along and go along. And we've got enough time. We can just
4 see what happens on the 6th and the 7th. And if they'll come
5 and show up for depositions, we don't need to go any further.

6 THE COURT: Mr. Oliver, Mr. Briggs, you all want to
7 respond?

8 MR. OLIVER: Judge, this is John Oliver. The people
9 that we've identified to Mr. Stilley who will be available
10 will be available on the 6th and 7th. And if we don't finish
11 on the 16th and 17th, then, you know, I've confirmed this
12 morning they will be available, and they will be available.
13 I don't know what else there is to say. I mean, it's not
14 like we haven't given him dates before, we just haven't been
15 able to hit a mutually agreeable time. I think the issue is
16 closed.

17 THE COURT: Well, I don't see that there's a problem
18 right now. I'm going to deny this as moot for the time
19 being. Your discovery is supposed to close the 22nd, so
20 let's go ahead and get it done and move on.

21 I'm trying to -- we had a retreat and the judges had
22 somebody in from Washington talk about how we're supposed to
23 do justice. And I said, wait a minute, a famous lawyer told
24 me that if he ever came before me, he didn't want any
25 justice, that was some bad stuff, he wanted mercy. So I've

1 kind of concluded that maybe justice is in the eye of the
2 beholder. And we are here to dispose of cases as judges, you
3 know, and hopefully justice is done, but I think that that
4 depends upon who is on what end of it.

5 But let's keep these things moving so at least we
6 can dispose of cases and we'll -- people will figure out on
7 their own whether or not justice was done I guess.

8 So as far as I'm concerned, that is moot. Now, what
9 about paying you -- Mr. Stilley wanted to pay mileage for the
10 deposition of your witness.

11 MR. STILLEY: Yes. Well, I don't know if you'd call
12 it my witness, it is a witness in the case.

13 THE COURT: It's Teri Young?

14 MR. STILLEY: Yes.

15 THE COURT: Okay. Tell me about that.

16 MR. STILLEY: Okay. See, we had this scheduled and
17 it's kind of a convoluted situation.

18 THE COURT: Well, give me the short version.

19 MR. STILLEY: Okay. They subpoenaed her in
20 Arkansas, then we agreed to do it in St. Louis, and then we
21 agreed to do it in Cape Girardeau. They came and gave that
22 deposition, and I was wanting the mileage and fees on that.

23 THE COURT: Well, what about that, Mr. Oliver?

24 MR. OLIVER: Well, Judge Shaw, this is pretty
25 straightforward. She was subpoenaed to appear in her home

1 town. We wanted to go to her home town. There were reasons
2 for going to her home town which included access to
3 documents. And Mr. Stilley didn't want to produce her there.
4 This woman incidentally is the person who is doing the
5 legwork for Mr. Stilley in this case and she has actually
6 paid him at least \$5,000. So, I mean, it's not like she's an
7 independent person.

8 THE COURT: You mean he's paid her?

9 MR. OLIVER: No, she's paid him. And Mr. Stilley
10 wanted to bring his client up here for the obvious reason I
11 think, Your Honor, if he would have shown up in Arkansas,
12 they would have arrested him because he's got a fugitive
13 felony warrant out for him in Arkansas, so he voluntarily
14 brought him up here. He chose the place. We were willing to
15 come to her home town and he chose the place, and I don't
16 think we should pay for his choice.

17 THE COURT: Sounds good to me. What about that,
18 Mr. Stilley?

19 MR. STILLEY: Judge Shaw, if you don't mind, I'll
20 just let you make the call on that.

21 THE COURT: Well, that was the call, that's denied.

22 MR. STILLEY: Okay.

23 THE COURT: Let's see what we got next.

24 Interrogatories, you want some answers so interrogatories?

25 MR. STILLEY: That is correct, Your Honor.

1 THE COURT: Why don't we go with them. No. 5, the
2 names of all students attending Mountain Park Baptist and
3 contact information. What about that?

4 MR. OLIVER: Well, Your Honor, that's protected by
5 federal law and Missouri law. The school can't give it out,
6 not to mention I know the Court's quite familiar with the
7 whole number of --

8 THE COURT: Oh, yeah.

9 MR. OLIVER: -- cases, particularly National
10 Association of Advancement of Colored People versus Alabama,
11 which makes these church type organizations member lists
12 confidential. Plus with students, the federal -- there's a
13 federal statute. There's a Missouri statute that prevents
14 the name and there's a -- revealing the names and there's a
15 Florida statute that prevents leaving the names -- revealing
16 the names. And quite frankly, Your Honor, anybody that
17 Oscar -- and I'm not accusing him of doing this individually,
18 because I don't know, but there's a web site which solicits
19 past members of Mountain Park and Palm Lane, the two church
20 defendants in here that solicit past graduates or attendees
21 to hire Oscar and tells them his phone number and even has a
22 questionnaire, so that, I mean, he has access to anybody that
23 wants to voluntarily come forward. And I think quite
24 frankly, we're totally forbidden by law from revealing those
25 names.

1 THE COURT: I would tend to agree with you.
2 Mr. Stilley, were you not aware of these prohibitions?

3 MR. STILLEY: Your Honor, Oscar Stilley here. I
4 understood that the defendants were saying that these
5 prohibitions didn't actually cover them, that they were just
6 using them as an analogy to say they should be given the same
7 treatment because this is not a publicly funded school. And
8 in this case -- now they cited some cases, but in this case
9 there is no attempt to get information that would be
10 embarrassing or harmful to the student in any way or the
11 child.

12 THE COURT: Right, right. I'm denying this.

13 MR. STILLEY: Okay.

14 THE COURT: That's denied.

15 MR. STILLEY: Okay.

16 THE COURT: Now, your No. 6, all defense witnesses
17 and contact information. That sounds like it might be
18 reasonable. What about that, Mr. Oliver?

19 MR. OLIVER: Judge, in fact, one of your opinions
20 says that he gets that when the pretrial order is due, and
21 it's work product till then.

22 THE COURT: It sounds like you might have me there.
23 What's the problem, Mr. Stilley? I mean, looks like that's
24 the way it's going to be.

25 MR. STILLEY: Your Honor, I don't think that's

1 correct. I don't think -- I mean, the whole idea here of
2 what we're doing is to try to settle disputes, and if you
3 have to wait till that long in order to find out who the
4 witnesses are, then that's going to be detrimental to
5 settlement.

6 THE COURT: Well, why don't you more particularize
7 your question then in terms of who knows A, B, I mean, if a
8 person has specific information rather than all witnesses and
9 so forth. That's a bit broad and it's not really directed to
10 something. You know, if there's something that's directed to
11 an issue or something, then maybe we're looking at a
12 different situation. But you're asking for everybody under
13 the sun. And, you know, I think it's overly broad. I'm
14 going to deny this without prejudice. You're going to have
15 to do something better than that with your question.

16 MR. STILLEY: Okay, Judge.

17 THE COURT: Okay. It's just overly broad and not
18 directed to any specific thing in controversy or issues in
19 the case.

20 Now, your No. 7, all employees of Mountain Park and
21 Palm Lane Academy.

22 MR. OLIVER: Judge, John Oliver. This one is not as
23 clear. As to the hours of work and their pay, you know,
24 since we're using Missouri privilege law, the hours of work
25 and pay constitute what the Missouri Court of Appeals calls a

1 fundamental right of privacy in employment records. I'll be
2 honest with you, I can't find anything that says names are
3 protected, but the hours of work are. And that's to protect
4 ourselves, that's why we made the objection.

5 THE COURT: Okay. Mr. Stilley, it seems that
6 Mr. Oliver is willing to give you the names but not the
7 information about their pay and hours. What about that, you
8 satisfied with that?

9 MR. STILLEY: Your Honor, I would take that I can
10 contact those individuals and find out information about the
11 rest of the information that I need.

12 MR. OLIVER: Oscar, let me tell you just so there's
13 no question. Your Honor, in case this comes up, I'm sure the
14 Court is aware of the Missouri Supreme Court decision in
15 State ex rel. Pitts v. Roberts that says Mr. Stilley can't
16 contact our employees, that that's a violation of Rule 4.
17 And I wouldn't want any misunderstanding about that. You
18 know, Rule 4 of the Rules of Professional Responsibility
19 enforced in Missouri adopted by this court would prevent that
20 contact even though under the IBM decision -- well, you've
21 written about it a couple times, Judge. Some of these people
22 would not be management people.

23 THE COURT: Okay. What about that, Mr. Stilley?

24 MR. STILLEY: Your Honor, my position on it would be
25 if that's the way they feel about it, I can do depositions on

1 them.

2 THE COURT: Fine.

3 MR. STILLEY: I don't think it would take a great
4 deal of time for the information I need.

5 THE COURT: Fine, it's all good. Let's move on to
6 the next matter. That's denied as moot because you all have
7 resolved that.

8 Now we're going to your No. 10, all defendant assets
9 greater than \$1,000 with description. What's all of this,
10 Mr. Stilley?

11 MR. STILLEY: Your Honor, on our punitive damage
12 case, the wealth and income of the defendant would be a
13 proper matter for the jury to consider in deciding punitive
14 damages.

15 THE COURT: Well, okay. What about it, Mr. Oliver?

16 MR. OLIVER: Judge, there's a Missouri Supreme Court
17 case that says that the financial statements -- that in a
18 punitive damage case, we've got to give up the financial
19 statement to the extent that there is a financial statement.

20 THE COURT: Right, net worth. We'll deal with net
21 worth. I'll grant it as to net worth. And that's that,
22 okay.

23 MR. OLIVER: I think that's correct.

24 THE COURT: Okay. Granted as to net worth.

25 Okay, now we've got your No. 16, bounty hunter

1 connections. Okay. Explain this to us, Mr. Stilley.

2 MR. STILLEY: On No. 16?

3 THE COURT: Yeah.

4 MR. STILLEY: Okay. Just a second, let me look at
5 this here. Judge, this is --

6 MR. OLIVER: Judge, this is John Oliver. I answered
7 that question.

8 THE COURT: So that would be moot then?

9 MR. STILLEY: John, did you --

10 MR. OLIVER: I think we did. The answer is no,
11 there aren't any. So I know I answered that way in the
12 amended answers for Palm Lane.

13 THE COURT: Well, if that would be your answer too,
14 Mr. Briggs?

15 MR. BRIGGS: Yes.

16 THE COURT: Fine, if that's the same answer, why
17 don't you respond and then that will end that and that will
18 make that moot, okay.

19 MR. BRIGGS: Okay.

20 THE COURT: Let's go to No. 17, reasons why the
21 defendants denied plaintiff his liberty and the official
22 policy of Mountain Park regarding students' legal right to
23 appeal and counsel.

24 MR. OLIVER: Judge, that exact question is turned
25 down. I know this isn't your favorite court --

1 THE COURT: No. 18.

2 MR. OLIVER: -- on the higher floor. In a case,
3 Baker versus General Motors, 209 F.3d 1051, certain other
4 brethren in black robes said that this question is -- I mean,
5 almost exact same question is no good. I mean, I know we
6 don't always defer to that group of people, but at least in a
7 discovery situation they said this is a bad question because
8 it's work product.

9 THE COURT: It's a strange question. You got
10 anything further before I deny 17 and 18, Mr. Stilley? Do
11 you have anything you wish to say to try to make me change my
12 mind?

13 MR. STILLEY: Yes, Your Honor. One of the key
14 issues here is false imprisonment. That's one of our claims.
15 And we'd like to know what their basis is for saying that
16 they had a legal right to detain him. And I understand, you
17 know, if I would do some depositions here we would get
18 further information, but that seems to be the most basic if
19 somebody is claiming false imprisonment that the defendant
20 would have a duty to say what their basis is for holding
21 someone.

22 THE COURT: Well, your question I don't know was
23 great in its artistry in asking that question in terms of
24 what, if any, legal basis, or I guess they may be denying
25 they detained anybody at all as far as that's concerned.

1 Okay. What about that, Mr. Oliver? He's sort of saying that
2 that's what his question is, what, if any, legal basis I
3 guess.

4 MR. OLIVER: If he asked what our policy was, I
5 would think the question would not be objectionable as
6 opposed to what our legal theory is. I don't mind explaining
7 our policy.

8 THE COURT: Why don't you rephrase your question and
9 then Mr. Oliver will see about getting you an answer to that,
10 Mr. Stilley. Okay? Does that work that out?

11 MR. STILLEY: I think we can work that out.

12 THE COURT: So I'm going to deny both this 17 --
13 your interrogatory 17 and 18 without prejudice because you're
14 going to reformulate that. You're all going to work that
15 out, okay?

16 MR. STILLEY: Okay.

17 THE COURT: Okay, you want some documents,
18 defendants' state and federal tax returns. Now, I told you
19 you could get the net worth, so what's this about, the tax
20 returns?

21 MR. STILLEY: Your Honor, I'd like to see his claim
22 of income from the operations of this boarding school.

23 THE COURT: What about it, Mr. Oliver?

24 MR. OLIVER: Well, Judge, we're not required to file
25 income tax returns and we don't.

1 MR. STILLEY: Well, that satisfied it. That moots
2 it.

3 THE COURT: Fine, that's moot then. Okay. You're
4 also asking, Mr. Stilley, if any complaints or petitions
5 filed against the defendant in each state, federal court, or
6 administrative agency.

7 MR. STILLEY: Your Honor, this is Oscar Stilley
8 here. I don't mean to go back on you, but I do need to make
9 sure on the no returns if that on all the defendants.

10 MR. OLIVER: The only -- I thought the only motion
11 to compel was with respect to the two legal entities, not
12 individuals.

13 MR. STILLEY: No, it's the individuals' tax returns.
14 I want to see who is getting the income from the operations
15 of Mountain Park.

16 MR. BRIGGS: Your Honor, this is John Briggs. As to
17 some of these defendants, including Robert O'Brient and Bo
18 and Julie Gerhardt, they are basically just employees, and I
19 don't know what rationale there would be for producing that
20 stuff beyond just the basic statement of their net worth. I
21 don't see what the relevance is. I think it would be
22 inappropriate to tell them to produce that information,
23 especially since 1997. I mean, at that point Bo and Julie
24 Gerhardt were both minors, so I'm not sure it would have any
25 relevance anyway.

1 THE COURT: Okay. Mr. Stilley, what about it?

2 MR. STILLEY: Your Honor, you know, we're all
3 supposed to negotiate in good faith and try to settle issues
4 like this, and I was perfectly willing if it was too broad to
5 narrow it. And if somebody has not filed returns, all they
6 have to say is they didn't file returns and that's okay. But
7 if they filed those returns, I feel like that there's a
8 serious question here in this case about who is profiting
9 from this conduct, and I'd like to see it on the basis of
10 these income tax returns.

11 MR. OLIVER: Judge, I've got a compromise, we'll
12 submit them to you under seal, and if the evidence warrants,
13 Mr. Stilley can apply to you to look.

14 THE COURT: Well, my inclination is to deny the
15 request, the part that is moot relative to the business
16 entities. I mean, I understand, Mr. Stilley, you are trying
17 to see who is profiting from -- I mean, you ought to be able
18 to get that with some interrogatories without -- I don't
19 know.

20 MR. STILLEY: Your Honor, Oscar --

21 THE COURT: I don't know that me looking at some tax
22 returns under seal is going to help anything in terms of
23 making a call on that. It's really a basis for why you have
24 to have that that relates to this case, Mr. Stilley.

25 MR. STILLEY: Okay. Let me say this. On Mountain

1 Park, that is the legal entity that's the corporation, and,
2 you know, those no profits have certain tax returns they are
3 required to make public, everybody can see it.

4 THE COURT: Mr. Oliver is saying they didn't file
5 any tax returns.

6 MR. OLIVER: Your Honor, he's talking about a Form
7 990. And the regulations exempt churches and related
8 entities from having to file those. I'll be glad to supply
9 Mr. Stilley with a precise -- a copy of the statute and the
10 regulation.

11 MR. STILLEY: That satisfied me on that issue. The
12 one that I'm looking at is Mountain Park because Mountain
13 Park is not as I understand incorporated, it's an
14 unincorporated association, and so we don't know who is
15 actually -- it's in the nature of a joint venture, and we
16 don't know who is taking the profit off that, who is making
17 the money off operations at Mountain Park.

18 MR. OLIVER: My answer applied to Mountain Park and
19 Palm Lane, Oscar.

20 MR. STILLEY: I understand as to entity tax returns.
21 But Mountain Park, correct me if I'm wrong, it is not either
22 a corporation or an entity that is recognized by --

23 MR. OLIVER: It's a voluntary unincorporated
24 association, to wit, a church. It is specifically exempt
25 from filing requirements.

1 MR. STILLEY: I'm not talking about the church's
2 return, I'm talking about individuals' returns who are
3 getting money from the operation of Mountain Park. And if
4 Mountain Park is an entity capable of suing or being sued,
5 somebody needs to correct me on that. I don't think they
6 are. But nonetheless, somebody is -- there's a significant
7 revenue stream there and somebody is getting that revenue
8 stream, and I'd like to see who it is.

9 THE COURT: I'm going to deny this, Mr. Stilley.
10 Mr. Oliver is going to give you those answers relative to
11 corporations not filing or the incorporated association not
12 filing tax returns. It seems to me that this is rather
13 intrusive. They are defendants, you are going to get their
14 net worth. And it seems to me that you can do an
15 interrogatory or something about who is paid what and this
16 and that, because I think asking for tax returns is a bit
17 intrusive. So I'm denying that.

18 MR. STILLEY: Okay.

19 THE COURT: Assuming that Mr. Oliver is going to
20 supply you with the information that he indicated.

21 MR. OLIVER: I will, Your Honor.

22 THE COURT: Okay, very well. That's that.

23 Let's see, so those -- let's go back to the
24 complaint. We were talking about complaints, petitions filed
25 against defendants in any state, federal court, or

1 administrative agency. Who wants to respond?

2 MR. OLIVER: Well, other lawsuits, Judge, are not
3 admissible so it's outside the scope of discovery. John
4 Oliver. I mean, if you want, Oscar knows what they are. I
5 don't even know why he's asking. Teri Young admitted in her
6 deposition she's traveled to all these states and gotten all
7 the documents. So I don't know what there is that she hasn't
8 already gotten.

9 THE COURT: What about that, Mr. Stilley?

10 MR. STILLEY: Your Honor, they asked basically the
11 same question of my client, and we didn't have any complaint.
12 We gave them that information and I just figured that if it
13 was relevant for my client, it was relevant for their client
14 too. We need to see what's going on here.

15 THE COURT: Can you just list them for him,
16 Mr. Oliver?

17 MR. OLIVER: I can, Your Honor. I don't mind the
18 list, I mind the hunting up the pieces of paper.

19 THE COURT: Well, what about that, Mr. Stilley?

20 MR. STILLEY: Your Honor, if he makes a list and
21 gives me some idea where they are at, that would be
22 satisfactory.

23 THE COURT: Fine, that's granted to that extent.

24 MR. OLIVER: I can do that, Judge.

25 THE COURT: Fine, thank you. No. 4, request

1 documents of the money judgments ever entered against the
2 defendant in personal or professional capacity.

3 MR. STILLEY: Your Honor, this is Oscar Stilley
4 here. I think we can do the same thing, if they can just
5 give us a list of them and tell us where they are at.

6 MR. OLIVER: That's easy, Judge. I don't mind that
7 at all.

8 THE COURT: It's granted to that extent. And I
9 think -- let's see, the last thing I got are copies of
10 passports. Why you worried about some passports,
11 Mr. Stilley?

12 MR. STILLEY: Your Honor, I'm sure -- well, I'm not
13 sure you're aware of this. There was some allegations of
14 potential drugging in this case and I want to see about
15 travel outside the country.

16 THE COURT: What's that got to do with drugging?
17 I'm not following you there.

18 MR. STILLEY: I think that's where they are getting
19 the drugs.

20 THE COURT: Hey, there's so much drugs, all these
21 cases I got down there, they better stay inside the U.S.
22 Most of the drugs for all these cases I got, I think all the
23 drugs are here.

24 MR. OLIVER: They are all produced in East Prairie.

25 THE COURT: What about this, Mr. Oliver? It seems a

1 bit farfetched to me.

2 MR. OLIVER: Your Honor, actually the passport
3 creates a right of privacy.

4 THE COURT: I'm denying this. It's a bit
5 farfetched, Mr. Stilley.

6 MR. STILLEY: Okay.

7 THE COURT: Anything else?

8 MR. OLIVER: Judge, I think you've indicated
9 Mr. Stilley is going to redo some of these questions. Oscar
10 and I talked about this briefly. I think it would be
11 appropriate if you'd extend the discovery deadline by consent
12 to Thanksgiving. It won't affect anything and that way Oscar
13 has plenty of time to make any modifications. And if he
14 doesn't like the answers, he'll have enough time. And quite
15 frankly, I need to go down and find the doctor down in Fort
16 Smith, Arkansas, which means I got to file an ancillary case
17 down there.

18 THE COURT: Let me tell you this: You know, every
19 month they have these numbers that come out in terms of how
20 many cases we've got pending, and I got a lot of cases in
21 Cape. So that's where my problem is in terms of I got to get
22 some of those cases disposed of.

23 MR. OLIVER: If we get 30 more days, it won't delay
24 anything else, Judge. It doesn't affect any of your other
25 dates.

1 THE COURT: Okay. What about that, Mr. Stilley?

2 MR. STILLEY: I think that's a wonderful idea,
3 Judge.

4 THE COURT: Okay. We'll extend it then 30 more
5 days. I guess that will be -- I'm going to pull this
6 calendar out here. Okay, we'll extend it to November, that's
7 a Friday, November 21st, okay.

8 MR. OLIVER: Your Honor, I appreciate it.

9 MR. STILLEY: Your Honor, before we close this off,
10 we haven't had any ruling on the request No. 13 to completely
11 copy Jordan's file.

12 MR. OLIVER: Judge, if he doesn't have that, I will
13 certainly copy it myself and send to it him for both
14 institutions.

15 THE COURT: Okay. Well --

16 MR. STILLEY: Excellent.

17 THE COURT: Then 13 is moot.

18 MR. STILLEY: How about 13 to 15, can we get the
19 same agreement?

20 MR. OLIVER: I don't remember what the other two
21 are.

22 MR. STILLEY: Actually 13 through 17, and that will
23 close it out. It's educational or medical records, they will
24 be part of the file.

25 MR. OLIVER: It's all in the file. I will copy

1 that, Your Honor, everything in Palm Lane and everything at
2 Mountain Park that has Jordan Blair's name on it or was put
3 in his file that relates in any way. I'll personally do it
4 and mail it to Mr. Stilley.

5 THE COURT: Very well. You satisfied, Mr. Stilley?

6 MR. STILLEY: I'm very satisfied.

7 THE COURT: You know, Mr. Stilley, you remind of the
8 story, a man was getting a divorce, he hadn't seen the
9 estranged wife for awhile. He went to court and he saw her.
10 He didn't hardly recognize her, she was in pigtails, looked
11 like a child. And she got on the witness stand and she
12 started crying. And the judge started crying. And the judge
13 looked at the estranged husband and said, "You have any
14 dreams? We want those too." You want everything,
15 Mr. Stilley. Okay.

16 MR. OLIVER: Thank you, Your Honor.

17 THE COURT: Thank you all. Take it easy.

18 MR. OLIVER: Yes, sir.

19 (Court in recess at 12:14 p.m.)
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C E R T I F I C A T E

I, Susan R. Moran, Registered Merit Reporter, in and for the United States District Court for the Eastern District of Missouri, do hereby certify that I was present at and reported in machine shorthand the proceedings in the above-mentioned court; and that the foregoing transcript is a true, correct, and complete transcript of my stenographic notes.

I further certify that I am not attorney for, nor employed by, nor related to any of the parties or attorneys in this action, nor financially interested in the action.

I further certify that this transcript contains pages 1 - 25 and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

IN WITNESS WHEREOF, I have hereunto set my hand at St. Louis, Missouri, this _____ day of _____, 2003.

Susan R. Moran
Registered Merit Reporter